

## Dane County Planning & Development Land Division Review

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October 17, 2011

Notbohm Michaels Surveying, Inc.  
6314 Odana Rd.  
Madison, WI 53719

Re: David Zingg (CSM # 9311)  
Town of Middleton, Section 32  
(2 lots, 5.0 acres)

*Current zoning for proposed parcels is A-1 and LC-1.*

Attention: Ross A. Michaels, S-1696

The proposed CSM is hereby conditionally approved as follows:

1. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
2. The net lot area calculations are to be specified in square feet.
3. If the joint driveway easement has been recorded, the recorded document number shall be shown.
4. All owners of record are to be included in the owner's certificate. (County records indicate that DAVID C ZINGG is the owner. *Middle initials are required to provide valid certificates.*)
5. The required certificates are to be executed prior to final submittal.
6. Comments from the Dane County Surveyor are to be satisfied:
  - *No comments.*
7. The recordable document is to be submitted for review and approval.

When the above conditions have been fully satisfied, the original document along with a copy of this letter may be submitted for final review and the Dane County approving signature will be affixed. Please allow for ten (10) working days for approving signature. Any questions regarding this letter, please contact myself.

Sincerely,

Daniel Everson  
Assistant Zoning Administrator  
608-267-1541

CC:  
Clerk, Town of Middleton  
City of Madison Planning – Tim Parks



September 29, 2011

Chairperson and Members of the Town Plan Commission  
Town of Middleton  
7555 W. Old Sauk Road  
Verona, WI 53593

Re: Dahlk – Meadow Road Certified Survey Map (CSM)  
Town of Middleton

Dear Ms. Schmidt and Plan Commission Members:

The above-referenced application for a two-lot CSM was received in our office September 16, 2011. This proposal was initially reviewed as a concept plan at the Plan Commission's August 3, 2011 meeting. This property is located at 3371 Meadow Road, between Valley View Road and Midtown Road, in the Town of Middleton. Two lots are proposed by the applicant, Mr. Bradley Dahlk, to be created from the existing Lot 2 of CSM 9111. The existing parcel (Lot 2 of CSM 9111) contains a house, a shed, and both asphalt and gravel driveway areas. The proposal would create two lots, one with an area of roughly 1.64 acres containing the house (Proposed Lot 1), and the other with an area of roughly 3.33 acres, containing the shed (Proposed Lot 2). The majority of the existing parcel is zoned A-1 (Agricultural), but a portion of it zoned LC-1 (Limited Commercial) where the existing shed is located. The property is owned by the applicant, Mr. David Zingg.

The proposal is being made by Mr. Dahlk so that proposed Lot 2 can be sold to him by the owner, Mr. Zingg. Mr. Dahlk currently rents the shed from Mr. Zingg, and by purchasing the parcel outright, Mr. Dahlk can have full access to the shed.

We have the following comments from our review of the proposal:

1. A joint driveway easement has been proposed. The applicant proposes the two lots share the initial portion of the driveway access point as part of one joint driveway. A joint driveway agreement shall be submitted to the Town for review. The Town has standard language for these agreements.
2. Access to Meadow Road from proposed Lots 1 and 2 should be restricted at all points other than the joint driveway access. A note should be added to the CSM delineated these access restrictions areas. This will eliminate the possibility of another access point onto Meadow Road within such a close proximity to the potential future realignment Pioneer Road to the north. Also, this will eliminate the possibility of proposed Lot 2 placing a second access to Meadow Road and being out of conformance with Town ordinances.

3. Per Town ordinances, since the applicant does not own 40 acres, a variance is required to create lots smaller than 5 acres, but larger than 1.5 acres. A letter requesting this variance is required.
4. Under current Town ordinances, the payment of park fees in lieu of parkland dedication for the creation of one lot is required. The park fee is \$4,200, and will be due before the Town signs the CSM.
5. The final CSM shall be fully compliant with Chapter 236.34, Wis. Stats., Dane County Subdivision Ordinances, and Town of Middleton Subdivision Ordinances.
6. Proper title work will reveal any mortgages of record on the property. If any mortgages exist, a Consent of Mortgage Certificate will be required. The applicant has submitted a title report. The Town Attorney will determine if the information submitted is sufficient.
7. A note shall be added to the CSM as follows: "Further Land Divisions by Certified Survey may be restricted for a period of up to five (5) years under the provision of Section 11-7-3 of the Town of Middleton Land Division and Subdivision Ordinance."
8. No environmental checklist was submitted with this CSM application, as required by Town ordinances. The Town should confirm whether an environmental checklist is required to be submitted.
9. No soils report was submitted with this CSM application. Town ordinances require that the land divider provide a soils report, listing the types of soils in the proposed CSM and their effect on the land division. The Town should confirm whether an environmental checklist is required to be submitted.
10. Applicants should consult with surrounding property owners before submitting CSM proposals. It is unclear whether this applicant has done so.
11. The clear zone was evaluated on this parcel because of the trees that are located along the eastern edge of the proposed CSM. Since it appears the average daily traffic on Meadow Road is less than 750 and the slopes on the west side of Meadow Road are flatter than 4:1, a 10' clear zone is needed. The large trees are free of this clear zone, but some of the evergreen trees have branches that do extend into this clear zone on the northeast corner of the site. These tree branches should be trimmed to match the clear zone. Trimming the branches will also help to address the site line issues discussed below.

There is also a 36" diameter culvert in the northeast corner of the proposed CSM. Slopes at the culvert are steep and are within the 10' clear zone. The Town may wish to extend the slopes to flatten out this area.

12. When there is existing large vegetation obstructing vision at an access point, the Town typically requires a 75' x 75' x 75' vision triangle for driveways on major collector roads such as Meadow Road. Several large trees at the base of the driveway are currently inside this vision triangle. If the Town believes the large trees within the vision triangle should or could remain, we recommend working with the applicant to improve vision at this driveway access point by trimming back the evergreen branches on the northeast corner of the site.

A 75' x 75' x 75' vision triangle should be added to the face of the CSM on the north and south sides of the driveway along Meadow Road at the driveway access point, and the following language should also be added to the CSM. If the Town believes all of the large trees (and

other obstructions) should be removed from the vision triangle, the applicant should place the following note on the face of the CSM. If the Town believes the large trees within the vision triangle should or could remain, the Town may wish to require the note be placed on the CSM with modified language.

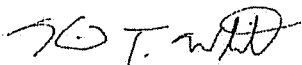
"Vision Corner: No structure, berm or vegetation of any kind, which exceeds a height of 2.5 feet above the average elevation of the roadway and driveway within the vision corner, except for necessary highway and safety signs or approved public utility lines, shall be permitted within the vision corner. No plant material which obscures safe vision of the approaches to the intersection shall be permitted. Grasses and similar turf, however, would be considered acceptable."

13. According to Dane County DCI Map, there appear to be some slopes of at least greater than 12% on site. It is not completely clear if any exist, but Town Ordinances do not allow for development in areas with slopes of 20% or greater. If any exist, they shall be shown on the CSM.
14. As a note, the Meadow Estates plat on lot to the north received conditional final approval from the Town of Middleton in 2005, but was never recorded.
15. The applicant has had conversations with Tim Parks, Planner at the City of Madison about the City's desires as it relates to the future potential realignment of Pioneer Road to the north and the City's review authority over this area due to the City-Town Intergovernmental Agreement. The City has extraterritorial jurisdiction over subdivisions and land divisions in this area for the purposes of establishing a "highway connection" between Pioneer Road and Meadow Road. The City has made requests about what they wish to see on this CSM to accommodate their desires with respect to this Pioneer Road to Meadow Road connection.

One of these requests is evident in the included curve on the northeast corner of proposed Lot 2 with extra right-of-way dedicated per a request from the City to accommodate future road realignment. The applicant will need to apply to the City of Madison for CSM approval as well as receiving approval from the Town and Dane County.

16. The applicant has confirmed that Dane County is agreeable to the portion of area across proposed Lot 2 zoned LC-1 (Limited Commercial), which is different than the A-1 (Agriculture) designation on the remainder of the site. Dane County has requested that no lot lines cross any existing zoning lines, and did not want any portion zoned A-1 to be less than 20,000 square feet in size, which is the county's minimum lot size.
17. The applicant should confirm whether there are covenants or restrictions relating to division of existing lots or development in this area.

Sincerely,



Kevin White, LEED AP

KTW/mkb

vision to reality

September 29, 2011

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cc: Town of Middleton Board  
Town of Middleton Parks Commission  
David Shaw, Administrator, Town of Middleton  
Tom Voss, Town Attorney, Erbach & Voss, SC  
David C. Zingg, 3371 Meadow Road, Verona  
Bradley Dahk, 3352 Meadow Road, Verona  
Ross Michaels, Nothbohm Michaels Surveying, Inc., 6314 Odana Road, Madison  
Rod Zubella, PE, Vierbicher

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vision to reality

Reedsburg (608) 524-6468 | Madison (608) 826-0532 | Prairie du Chien (608) 326-1051

## Town of Middleton Town Board Meeting Minutes October 17, 2011

A regular meeting of the Town Board was held at the Middleton Town Hall beginning at 7:00 P.M.

Present were: Chair Milo Breunig; Supervisors Richard Oberle, and Timothy Roehl; David Shaw, Town Administrator; Sara Ludtke, Public Works Coordinator; Rod Zubella, Vierbicher Associates, Town Engineer; and members of the public.

Supervisors Steve Tumbush and Bill Kolar and Town Attorney Tom Voss were absent (all excused).

1. Proof of Posting and Notice.

Shaw affirmed that the Agenda had been posted at the three official locations, emailed to the Town's subscriber list and placed on the Town's website.

2. Pledge of Allegiance.

Breunig asked Oberle to lead the Pledge of Allegiance.

3. Public Input.

None.

4. Minutes from the Meetings of September 26, October 3, 4, and 12, 2011.

**Motion:** Oberle / Roehl, to approve the Minutes of September 26, 2011. Motion carried.

**Motion:** Oberle / Breunig, to approve the Minutes of October 3, 4, & 12, 2011. Motion carried.

5. Engineer's Report.

a. Old Sauk Road Project - Final Pay Request.

**Motion:** Roehl / Oberle, to approve payment of \$20,481.33 to Moll Construction per the conditions list in the Vierbicher Associates, Inc. letter of October 12, 2011 and completion of the final punch-list items. Motion carried.

b. Update on:

i. Spruce Hollow.

Zubella reported the binder course of asphalt was laid on Lady Fern Court.

ii. American Transmission Company / Willow Lane.

Zubella reported that American Transmission Company has damaged to Willow Lane and they have been notified of it. They acknowledged that they are likely responsible. The extent of repairs required will be discussed in 2012 as the construction of the new sub-station nears completion.

iii. Elderberry Road.

Zubella reported that, that the road was pulverized on Friday, the 14<sup>th</sup>, and will be paved in the next two weeks.

iv. Blackhawk Road.

Zubella reported the project is complete.

Breunig asked Ludtke if the planed turn lanes at Pioneer and Old Sauk Road would be installed this year. She said that project had been postponed until next spring.

Breunig discussed the turn lanes for Dane County's Sunnyside Seed Farm Park. The Board asked Shaw to send a letter to the Wisconsin Department of Transportation expressing the Town's safety concern for having two turn lanes too close together.

6. Public Hearing: Dahlk – Zingg Certified Survey Map, 3371 Meadow Road.

Brad Dahlk, 3352 Meadow Road, came before the Board to request approval for a two-lot Certified Survey Map. He explained his desire to purchase a portion of David Zingg's lot, which includes the shed. He intends to continue to use the shed as he currently rents it for storage. Zubella reviewed Dahlk's request for a variance to the rule that states dividers of land must own at least 40 contiguous acres.

Breunig opened the Public Hearing at 7:15 P.M.

No one wished to speak in opposition to the Certified Survey Map.

No one wished to speak in support of the Certified Survey Map.

**Motion:** Breunig / Oberle, to close the Public Hearing. Motion carried at 7:16 P.M.

7. Action on proposed Dahlk – Zingg Certified Survey Map.

Zubella reviewed the Vierbicher Associates, Inc. letter dated September 29, 2011.

**Motion:** Breunig / Roehl, to grant a variance allowing the subdivision of a lot when the applicant does not own 40 acres as it fits the character of the area surrounding the lots and to approve the Certified Survey Map subject to:

- The conditions outlined in the Vierbicher Associates, Inc. letter of September 29, 2011;
- The large tree in the 75' x 75' x 75' vision triangle may remain; however, the applicant was put on notice that this tree, and any other tree located in the Public Right of Way, may be removed by the Town, at their sole discretion, at any time in the future;
- The lot owner will trim back the evergreen branches on the northeast corner of the lot to eliminate sight obstructions along the road [per Dahlk, this has already been done];
- Remove the branches from the 10' clear zone area;
- Remove all other site obstructions;
- The soil report requirement being waived as the lot already has buildings in place and soil conditions will become the owner's responsibility;
- Payment of \$4,200 in park fees prior to the Town signing the CSM; and
- A note being placed on the Certified Survey Map stating that Meadow Road will likely become a major north-south road.

Motion carried, all ayes, on a roll call vote.

8. Public Hearing: Wills-Welton Certified Survey Map, 4380 Schwartz Road off USH 14.

Jim Wills, 4605 Evergreen Road, came before the Board to request approval for a two-lot Certified Survey Map. He explained that he is in the storage business and wishes to acquire the mini-storage buildings and surrounding land from Welton Enterprises. In order to make this transfer, the buildings and the 1.15 acres of land that they sit on, need to split off from the original 20 acres of land. Wills would continue their operation as storage buildings but looks to further develop them at some unknown future time. He also reviewed his request for a variance from the minimum lot size of 65,000 as this is commercial lot.

Breunig opened the Public Hearing at 7:46 P.M.

No one wished to speak in opposition to the Certified Survey Map.

No one wished to speak in support of the Certified Survey Map.

**Motion:** Oberle / Breunig, to close the Public Hearing. Motion carried at 7:46 P.M.

9. Action on proposed Wills-Welton Certified Survey Map.

Zubella reviewed the Vierbicher Associates, Inc. letter dated September 29, 2011.



**Motion:** Breunig / Roehl, to grant a variance to allow the creation of a lot less than 65,000 square feet as proposed Lot 1 is consistent with the commercial development in the area and to approve the Certified Survey Map subject to the following:

- The conditions outlined in the Vierbicher Associates, Inc. letter of September 29;
- The soil report requirement be waived as no additional structures are proposed;
- That, as offered by the applicant Jim Wills, 7 feet of additional Right of Way be dedicated on Lots 1 and 2 of the CSM on Schwartz Road and 7' of additional Right of Way be dedicated to the Town on the West side of Schwartz road along the entire frontage of the OW Holdings property;
- That the Park Fee be waived as this is commercial development; and
- That per item #17 of the Vierbicher Associates, Inc. review letter, Lots 1 and 2 are restricted from future improvements, including issuance of any building permits, site plan approvals, or approval of a rezone, conditional use permit, or land division, until the railroad crossing at Schwartz Road is improved to a public crossing.

Motion carried on a roll call vote 2-1 with Oberle dissenting because of the lot size variance and not paying park fees.

10. Park Commission Recommendations:

- a. Appointment to fill Park Commission vacancy.

**Motion:** Breunig / Oberle, to appoint Mary Hoferle to fill the vacancy on the Park Commission per the Commission's recommendation. Motion carried.

- b. Change the name of "Goth Park" to "Goth Conservancy."

**Motion:** Roehl / Breunig (for discussion) to not rename the Goth Park. Motion failed, 1-2.

**Motion:** Oberle / Breunig, to change the name of "Goth Park" to "Goth Conservancy." Motion carried, 2-1.

- c. Change in length of term for Park Commission members from seven to four years.

**Motion:** Roehl / Oberle, to direct Town Attorney Tom Voss to draft an ordinance to change the length of term of the Park Commission members to four years. Motion carried.

11. Approval of Operator Licenses for Mathew York (Silk Exotic) and Sheena Manthey (Silk Exotic).

**Motion:** Breunig / Roehl, per Ludtke's recommendation, to approve of Operator Licenses for Mathew York and Sheena Manthey. Motion carried.

12. Re-designation of funds.

**Motion:** Oberle, to approve the re-designation of funds as proposed by Shaw in his memo dated October 13, 2011 with the exception of monies to be transferred to the Garage & Truck fund. Motion died for lack of a second.

**Motion:** Roehl / Breunig, to approve the re-designation of funds as proposed by Shaw in his memo dated October 13, 2011 with notations to explain where and why monies were transferred. Motion carried.

13. Approval of Budget for Publication.

**Motion:** Oberle / Roehl, to approve publication of the proposed budget dated October 13, 2011 in the Middleton Times-Tribune and Public Hearing on it to be held at a special Town Hall meeting on November 16 at 7:00 P.M., removing the word "Conservation" from the "Conservation and Development" category if possible. Motion carried. [Staffed later confirmed that the "Conservation and Development" category name is mandated by State Statute.]

14. Liaison to Town Staff Report.

There were questions on how the shouldering material applied to roadsides is compacted.

## 15. Board Member Reports.

- Roehl – Will be attending the Dane County Towns Association meeting on Wednesday, October 19.
- Commented on the article about the on Sunday, October 16, Wisconsin State Journal article on the Capitol Area Regional Planning Commission.
- Breunig – He, Roehl and Town Staff will be meeting with staff from the Town of Windsor on October 18.

## 16. Future Agenda Items.

None.

## 17. Administrator/Clerk Report and Action Requests.

## a. Check and Voucher Approval.

**Motion:** Oberle / Roehl to approve checks numbered 3911 through 3954, with 3939 voided, for a total of \$ 157,437.05. Motion carried.

## b. Correspondence/Communications.

- i. Shaw distributed copies of the proposed 2012 Meeting Calendar.
- ii. Shaw stated that the City of Middleton's planned development of a small southern portion of their golf course is allowed by the mutual agreement.
- iii. Shaw announced that as Vierbicher Associates is dissolving its building inspection department, the Town is contracting directly with Tracy Johnson for when additional services are needed.

18. **Adjourn.**

**Motion:** Roehl / Breunig, to adjourn. Motion carried at 9:09 P.M.

These minutes were drafted by Shaw based on his notes and recollection and may be modified prior to approval at the Board meeting October 17, 2011.